

24. O'Brien, M. Returnable containers for Maine; an environmental and economic assessment. Maine Citizens for Returnable Containers. Portland, Maine, March 17, 1975, 13p.

PART 245—PROMULGATION RESOURCE RECOVERY FACILITIES GUIDELINES

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AUTHORITY: Secs. 1008 and 6004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6907, 6964).

SOURCE: 41 FR 41208, Sept. 21, 1976, unless otherwise noted.

Subpart A—General Provisions

§ 245.100 Scope.

(a) These guidelines are applicable to the recovery of resources from residential, commercial, or institutional solid wastes.

(b) The "Requirement" sections contained herein delineate minimum actions for Federal agencies for planning and establishing resource recovery facilities. Pursuant to section 211 of the Solid Waste Disposal Act, as amended, and Executive Order 11752, the "Requirement" sections of this guideline are mandatory for Federal agencies. In addition, they are recommended to State, interstate, regional, and local governments for use in their activities.

(c) The "Recommended Procedures" sections are presented to suggest additional actions or preferred methods by which the objectives of the requirements can be realized. The "Recommended Procedures" are not mandatory for Federal agencies.

(d) These guidelines apply to all Federal agencies that have jurisdiction

over any real property or facility the operation or administration of which involves such agency in residential, commercial or institutional solid wastes disposal activities either in-house or by contract. Federal land that is used solely for the disposal of non-Federal solid waste is not considered real property or a facility for the purpose of these guidelines.

(e) The Environment Protection Agency will render technical assistance and other guidance to Federal agencies when requested to do so pursuant to section 3(d)1 of Executive Order 11752.

(f) Within one year after the final promulgation of these guidelines, agencies shall make a determination as to what actions will be taken to establish a resource recovery facility in accordance with these guidelines and shall, within 60 days of such determination, submit to the Administrator a schedule of such actions.

(g) In order for the Administrator to establish the lead agency in each Standard Metropolitan Statistical Area (SMSA) as addressed in § 245.200-1(b), each Agency shall provide the Administrator within 60 days after the final promulgation of these guidelines the following information:

List of all real property or facilities by SMSA that the agency has jurisdiction over, the operation or administration of which involves such agency in residential, commercial or institutional solid wastes disposal activities, either in-house or by contract, in amounts of more than one ton of solid waste per day (equivalent to 260 tons or more annually) after implementation of other Federal guidelines for waste reduction and source separation and that amount of solid waste.

(h) Within 90 days after final promulgation of these guidelines, the Administrator will establish the lead agency in each SMSA.

(i) Federal agencies that make the determination not to establish or utilize a resource recovery facility shall make a report to the Administrator fully explaining that determination. The Administrator shall publish in the FEDERAL REGISTER notice of the availability of this report to the public. In making this determination, agencies

must consider energy conservation, environmental factors, and natural resource conservation as well as cost. Trade-offs between these factors must be analyzed prior to the decision not to establish or utilize a resource recovery facility. As all of these factors can be reduced to cost, the following are considered to be valid reasons for not establishing or utilizing a resource recovery facility when supported by individual facts and circumstances:

(1) Costs so high as to render establishing a resource recovery facility economically impracticable; or

(2) Inability to sell the recovered products due to lack of market.

(i) The report required by this section shall contain:

(A) A description of alternative actions considered with emphasis on those alternatives that involve resource recovery, and any actions that would preclude establishing or utilizing a resource recovery facility.

(B) A description of ongoing actions which will be continued and new actions taken or proposed. This statement should identify all agency facilities that will be affected by these actions including a brief description of how these facilities will be affected.

(C) An analysis of the action chosen by the agency including supporting technical data, market studies, and policy considerations so that the factors influencing the decision not to establish a resource recovery facility are clear.

(ii) The report required by this section shall be submitted to the Administrator as soon as possible after a final agency determination has been made not to establish or utilize a resource recovery facility, but in no case later than sixty days after such final determination. The Administrator shall indicate to the agency in writing his concurrence or disagreement with the agency's decision, including his reasons therefor.

(iii) Implementation of actions that would preclude establishing or utilizing a resource recovery facility shall be deferred for 60 days, from the Agency's receipt of the report required by § 245.100(g), in order to give the Administrator an opportunity to receive, ana-

lyze and seek clarification of the report.

(iv) It is recommended that where the report required by this section concerns an action for which an Environmental Impact Statement (EIS) is required by the National Environmental Policy Act, that the report be circulated together with the EIS.

§ 245.101 Definitions.

As used in these guidelines:

(a) *Commercial solid waste* means all types of solid waste generated by stores, offices, restaurants, warehouses, and other such non-manufacturing activities, and non-processing waste generated at industrial facilities such as office and packing wastes.

(b) *Disposal* means the collection, storage, treatment, utilization, processing, or final disposal of solid waste.

(c) *Facility* means any building, installation, structure, or public work owned by or leased to the Federal Government. Ships at sea, aircraft in the air, land forces on maneuvers, other mobile facilities, and U.S. Government installations located on foreign soil are not considered "Federal facilities" for the purpose of these guidelines.

(d) *Infectious waste* means: (1) Equipment, instruments, utensils, and fomites (any substance that may harbor or transmit pathogenic organisms) of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must, therefore, be isolated as required by public health agencies; (2) laboratory wastes, such as pathological specimens (e.g., all tissues, specimens of blood elements, excreta, and secretions obtained from patients or laboratory animals) and disposable fomites attendant thereto; (3) surgical operating room pathologic specimens and disposable fomites attendant thereto and similar disposable materials from outpatient areas and emergency rooms.

(e) *Institutional solid waste* means solid wastes originating from educational, health care, correctional, and other institutional facilities.

(f) *Pyrolytic gas and oil* means gas or liquid products that possess useable heating value that is recovered from the heating of organic material (such

as that found in solid waste), usually in an essentially oxygen-free atmosphere.

(g) *Recoverable resources* means materials that still have useful physical, chemical, or biological properties after serving their original purpose and can, therefore, be reused or recycled for the same or other purposes.

(h) *Recovery* means the process of obtaining materials or energy resources from solid waste.

(i) *Recycled material* means a material that is utilized in place of a primary, raw, or virgin material in manufacturing a product.

(j) *Recycling* means the process by which recovered materials are transformed into new products.

(k) *Residential solid waste* means the garbage, rubbish, trash, and other solid waste resulting from the normal activities of households.

(l) *Resource recovery facility* means any physical plant that processes residential, commercial, or institutional solid wastes biologically, chemically, or physically, and recovers useful products, such as shredded fuel, combustible oil or gas, steam, metal, glass, etc. for recycling.

(m) *Tons per day* means annual tonnage divided by 260 days.

Subpart B—Requirements and Recommended Procedures

§ 245.200 Establishment or utilization of resource recovery facilities.

§ 245.200-1 Requirements.

(a) A Federal agency that has jurisdiction over any real property or facility the operation or administration of which involves such agency in residential, commercial or institutional solid wastes disposal activities either in-house or by contract in amounts of 100 tons or more per day (equivalent to 26,000 tons or more annually) after implementation of other Federal guidelines for waste reduction and source separation shall establish or utilize resource recovery facilities to separate and recover materials or energy or both from such solid waste.

(b) If any one Federal agency within a Standard Metropolitan Statistical Area that has jurisdiction over any real property or facility the operation

or administration of which involves such agency in residential, commercial, or institutional solid wastes disposal activities either in-house or by contract in amounts of 50 tons or more per day (equivalent to 13,000 tons or more annually) after implementation of other Federal guidelines for waste reduction and source separation, and if the combined total of these solid wastes for all Federal agencies within the SMSA is 100 tons or more per day (equivalent to 26,000 tons or more annually) after implementation of other Federal guidelines for waste reduction and source separation, all Federal agencies within the SMSA shall establish or utilize one or more resource recovery facilities to separate and recover materials or energy or both from this solid waste. The agency that has jurisdiction over the disposal of the largest quantity of residential, commercial, or institutional solid wastes in the SMSA shall be designated the lead agency by the Administrator of EPA in the resource recovery facility planning process. The lead agency shall be responsible for planning, organizing, and managing the joint resource recovery activities of the agencies in the SMSA and shall report the compliance decision of the agencies in the SMSA in accordance with § 245.100 (f) or (i), as appropriate, in a consolidated report. All other agencies in the SMSA shall assist in planning such resource recovery activities.

(c) Agencies shall consult with appropriate State and local agencies, and with concerned local citizens and environmental groups prior to initiation of market analysis and facility design and construction to determine what effects the project might have on local, regional, and State solid waste management plans for the area and to determine the extent of prior resource recovery planning for the area. Resource recovery facilities established as a result of these guidelines shall be compatible with such plans.

(d) Resource recovery facilities established or utilized as a result of these guidelines shall be designed with a capacity sufficient to process at least all of the residential, commercial, or institutional solid wastes disposed of after

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implementation of other Federal guidelines for waste reduction and source separation, by the agencies that have jurisdiction over the Federal facilities that will utilize the resource recovery facility.

(e) Resource recovery facilities established or utilized as a result of these guidelines shall be designed to process at least 65 percent by wet weight of the input solid waste into recycled material, fuel, or energy. Thus, the weight of the unmarketable residue shall be no more than 35 percent by wet weight of the input solid waste. If inability to meet the 65 percent criteria is based on circumstances as stated in §245.100(i) then the processing percentage shall be as great as practicable within those circumstances.

(f) An agency may determine, under §245.100(i) not to establish or utilize a resource recovery facility when after appropriate analysis it is determined that markets for recovered products are not available, or that the cost of the resource recovery system would be so high as to be economically impracticable.

[41 FR 41208, Sept. 21, 1976, as amended at 47 FR 36603, Aug. 20, 1982]

§ 245.200-2 Recommended procedures: Regionalization.

(a) Federal agencies that have jurisdiction over facilities within a geographical area should enter into joint resource recovery ventures among themselves and with nearby communities in order to maximize economies of scale.

(b) If a community near a Federal facility operates or is planning to construct a resource recovery facility, the Federal agency having jurisdiction over that facility should participate as appropriate relative to waste load in the financing, construction, and operation of that facility.

§ 245.200-3 Recommended procedures: Planning techniques.

Planning for the implementation of a resource recovery facility should be performed in a systematic manner. A series of reports have been prepared by the Agency's Office of Solid Waste Management Programs. The series, titled

Resource Recovery Plant Implementation; Guides for Municipal Officials, should be used as an aid in the planning phase.

(a) Planning and Overview (SW-157.1) provides a framework for the overall planning phase.

(b) Preceding the selection of a specific resource recovery technology, an investigation of markets should be made. Markets (SE-157.3) lists the markets for the recovered materials and outlines steps to be taken to secure those markets.

(c) The various resource recovery methods are covered in Technologies (SW-157.2).

(d) The economic viability of a specific resource recovery facility should be determined only after all costs are accounted for as outlined in Accounting Format (SW-157.6).

(e) Other reports in this series are:

Financing SW-157.4

Procurement SW-157.5

Risks and Contracts SW-157.7

Further Assistance SW-157.8

These reports may be obtained from: Solid Waste Information Materials Control Section, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268.

PART 246—SOURCE SEPARATION FOR MATERIALS RECOVERY GUIDELINES

Subpart A—General Provisions

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246.100 Scope.

246.101 Definitions.

Subpart B—Requirements and Recommended Procedures

246.200 High-grade paper recovery.

246.200-1 Requirements.

246.200-2 Recommended procedures: High-grade paper recovery from smaller offices.

246.200-3 Recommended procedures: Market study.

246.200-4 Recommended procedures: Levels of separation.

246.200-5 Recommended procedures: Methods of separation and collection.

246.200-6 Recommended procedures: Storage.

246.200-7 Recommended procedures: Transportation.